

REMARKS

This amendment is submitted to be fully responsive to the Office Action mailed April 21, 2003. Applicant submits that no new matter has been added by this amendment and that support for the claims as amended may be found throughout the specification and drawings as originally filed.

The present invention provides a method of performing a prepaid electronic commerce transaction over a computer network comprising the steps of, "...receiving a request for goods or services at a centralized transaction server from a user through an input device; ...; calculating the purchase price of the goods or services *based on information contained in the user request* using a rating device". (See claim 1)

By this amendment Applicant has amended claims 1 and 36 to include additional language for the purpose of putting the claims in better condition for allowance. Particularly, claims 1 and 36 have been amended to further describe the method of performing a prepaid electronic commerce transaction over a computer network whereby the method comprises a step of calculating the cost of the transaction based on information contained in the user's request for goods and services.

35 U.S.C. §112

Claims 1-7, 10-17 and 33-35 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In response to the present rejection Applicant has amended claim 1 to include antecedent basis for the centralized transaction server recited therein for the purpose of putting the claim in condition for allowance. Accordingly, Applicant respectfully requests reconsideration of the present rejection in view of the foregoing amendment.

35 U.S.C. §102

Claims 1, 2, 6, 7, 10-13, 15-17, 33 and 36-38 are rejected under 35 U.S.C. §102(e) as being anticipated by Lesley, U.S. Patent No. 6,188,752.

It is appreciated that anticipation requires that a single reference must disclose each and every element of the claimed invention.

By this amendment claims 1 and 36 now include language that further describes the inventive method of performing a prepaid electronic commerce transaction over a computer network wherein the method comprises a step of, "...calculating the purchase price of the goods or services based on information contained in the user request using a rating device;". Applicant submits that this limitation is not disclosed in the '752 reference, and thus, the present invention is not anticipated in view thereof.

The Lesley reference discloses a method and apparatus for providing prepaid telecommunication services whereby a subscriber calls from a prepaid telecommunications network terminal to access the telecommunication service. If the prepaid monetary value in the subscriber's record is sufficient, the subscriber is allowed to complete the call. Upon completion of the call, the prepaid monetary value on the subscriber's record is decreased in accordance with the subscriber's use of the service.

Applicant submits that the '752 reference does not disclose a method of performing a prepaid electronic commerce transaction over a computer network wherein the method comprises the step of calculating the purchase price of the goods or services based on information contained in the user's request as according to the present invention.

The '752 reference describes the monitoring of parameters such as start time and elapsed time relative to a subscriber's phone call. This is a typical function of a telephony switch where usage cost is determined based on a metering system. The present invention

calculates the purchase price based on the information contained in the user's request for goods or services. Unlike telephony, the rating operation for ordering a product as according to the present invention is known before the transaction has ended due to the calculation of cost being based on information contained in the user request rather than services that are metered such as a telephone call over a period of time.

As the '752 reference does not disclose a method of performing a prepaid electronic commerce transaction over a computer network comprising a step of calculating the cost of the transaction based on information contained in the user's request, Applicant submits that it should not be used to form the basis of an anticipation rejection. Accordingly, claims 1 and 36, and their dependent claims, are believed to be in condition for allowance and it is respectfully requested that this be withdrawn as a basis for rejection.

35 U.S.C. §103

Claims 3-5, 14, 34 and 35 are rejected under 35 U.S.C. §103 as being unpatentable over Lesley.

Applicant reiterates the foregoing remarks regarding the amendments made to claims 1 and 36 relative to additional language being added to put the claims in better condition for allowance. Particularly, language relative to the present invention providing a method of performing a prepaid electronic commerce transaction over a computer network wherein the method includes a step of calculating the cost of the transaction based on information contained in the user's request.

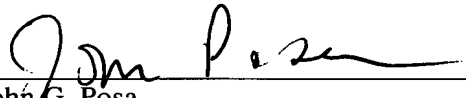
It is appreciated that in order to sustain an obviousness rejection, all the claim limitations of the present invention must be taught or suggested by the prior art.

Applicant submits that the metering method of calculating the cost of a transaction as according to the '752 reference does not teach or suggest the means of calculating the cost of

a transaction based on information contained in a user's request. Accordingly, Applicant submits that the present invention would not have been obvious to one with ordinary skill in the art in view of the metering method of cost calculation taught by the '752 reference and as such respectfully requests that this be withdrawn as a basis for rejection.

From the foregoing amendments and remarks, the claims of the present application are now believed to be in condition for allowance. As such, Applicant respectfully requests reconsideration and that such action toward these ends be taken.

Respectfully submitted,


John G. Posa
Registration No. 37,424
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
280 N. Old Woodward Ave., Suite 400
Birmingham, MI 48009-5394
(248) 647-6000

Attorney for Applicant

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